THE New Republic

THE NEW SPIRIT

a Report from Geneva

by Michael Straight

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LAWYERS, PSYCHIATRISTS AND CRIME

by Walter Goodman

Woodrow Wilson's Fate . . *Gerald W. Johnson*

Novels of Christina Stead . *Elizabeth Hardwick*

Justice Jackson's Testament . . . . *Abe Shayes*

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Washington Wire .... *T.R.B.*

The big thing at Geneva, as we gather it, is that the Cold War antagonists sat down without calling each other dirty names. Besides that the Russians learned that Ike is not a warmonger but a decent, attractive man who earnestly wants peace.

To be frank about it, we found it hard to take the Eisenhower proposal for a mutual aerial inspection very seriously. It sounded like a Madison Avenue publicity stunt. If Moscow miraculously accepted the idea, we guess the US Senate would recoil in horror. But on the other hand, the cynics who gloat over Ike's "propaganda victory" as though it were merely some kind of debater's point seem to us to be short-sighted, too. This was a vehicle for Ike to show himself to the Russians at his best—a simple, earnest, warm-hearted man who loves peace. He can be tremendously impressive at such times, and we are persuaded he was at Geneva. We hope the nation neither exaggerates nor underestimates the better tone at Geneva on a personal basis. Tension has diminished but, as Averell Harriman dryly observed, "Conferences at the top level are always courteous. Name-calling is left to the Foreign Ministers."

Ike comes back to two really bad situations. Personally we don't see how Air Force Secretary Talbott can keep his job. And this Dixon-Yates deal smells ranker and ranker. Both situations contribute to the Democratic contention that Ike doesn't know what is going on around him. The information about Talbott has been leaked, day by day, to the *New York Times* in the "Mulligan Letters." In addition to his $18,000 salary Talbott has been drawing $50,000 as a "special partner" of a management engineering firm, the Paul B. Mulligan Company, for which he appears to have been soliciting business on Pentagon stationery. For example, Victor Emanuel's Avco Manufacturing Company now has a $200 million backlog of Air-Navy contracts. Secretary Talbott told the Senate Investigations Subcommittee that he did not know of the Mulligan negotiations with Avco for an efficiency survey *until after they were completed.* But the *Times* publishes a letter, May 4, 1953, from Talbott to Mulligan, written on Air Force stationery, stating that he was "hopeful that the Victor Emanuel Co. will work out for you." Eight days later Mulligan wrote Talbott the deal was signed.

The new Dixon-Yates revelations touch the Administration even closer: Back on June 29 Ike told his press conference that Adolphe Wenzell, vice-president of the largest financial agent of utility companies on Wall Street, "was never called in or asked a single thing about the Dixon-Yates contract." Ike was misinformed; this is not true. At the same press conference—and at earlier ones, August 17 and 24, last year—Ike announced a policy of complete disclosure and declared "every single document that was pertinent to this thing" would be put out. This order was not obeyed. An official chronology was published, but it now appears that crucial matters were omitted and that this was done by Ike's subordinates deliberately. The Atomic Energy Commission, for example, included Wenzell's name in its original draft of the chronology; but the Budget Bureau deleted it. It also left out all mention of a vital conference, April 3, 1954, at which Administration officials told Wenzell to go back to Dixon-Yates (clients of his Wall Street firm) to negotiate with them and bring back a refined offer. (Wenzell had previously been called in by the Budget Bureau to act as consultant in preparing the contract.) As the Kefauver investigation gets warmer and warmer it develops that Sherman Adams, top Presidential assistant, secretly intervened with the Securities and Exchange Commission, a quasi-judicial agency (unknown to the other litigants), to get it to postpone a hearing which would have revealed Wenzell's role just prior to a House vote on Dixon-Yates. And now Sherman Adams and the chairman of SEC, instead of revealing every bit of "pertinent" information as Ike directed, are claiming immunity from testimony on the ground that this is privileged matter involving the White House prerogative! We submit that Ike's real friends will denounce, not cover up, the actions of these slick subordinates.

ADLAI STEVENSON: SIR: We address this letter to you to point out that the natural gas bill grab comes up this week in the house. Big oil companies want to kill federal regulation of natural gas. This would boost gas prices for 18 million families. Such a give-away would ultimately cost more than the tidelands oil grab. President Truman vetoed a similar bill in 1950; President Eisenhower will sign this one--as he did the tidelands bill. (Oil companies are among the biggest GOP contributors.) As of today the House is closely divided. The oil lobby figures it's now or never; Congressmen won't dare vote for the gas grab next year before the election, so the big drive comes now.

That is why we are writing you, Mr. Stevenson. You are the titular leader of your party. You will probably be Democratic nominee next year. In 1952 you valiantly fought the tidelands grab. Here is the same old story over again. We urge you publicly to say "No!" Your voice would probably defeat the bill. And you could start your Presidential campaign now. Of course, you would make enemies. But if you are to win an uphill fight in 1956, you must take a bold, positive, dramatic position -- and take control of your party. And even if you aren't elected next year, you can have a lot of fun. A place in history awaits any candidate--successful or not--who molds the political battle lines of the future.

Respectfully,

T.R.B.

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BEHIND THE HEADLINES

Summits East of the Himalayas

THE BIG FOUR leaders had barely started for home when Sen. Walter F. George announced publicly that he favored a face-to-face meeting between the United States and Communist China. He said the meeting should be held between foreign ministers—that is, between Chou En-lai and John Foster Dulles, and within six months, preferably sooner.

The Georgia Democrat made his proposal on the same television forum from which four months earlier he had called for a meeting of Western and Soviet leaders.

During the past 60 days Prime Ministers Nehru of India and U Nu of Burma have discussed in Moscow, London and Washington the desirability of a top level Far Eastern conference to follow the Summit meeting after a suitable interval for preparation. A series of inspired press stories out of New Delhi during the Geneva session report that President Eisenhower has already exchanged messages with Nehru three times on the subject, and that some preliminary discussions are already taking place between the American consul-general in Switzerland and his counterpart from Communist China.

It is no secret that ever since Chou En-lai announced at Bandung last April that he was prepared to sit down with Americans, John Foster Dulles has hoped to avoid a face-to-face meeting and to deal through an intermediary, preferably the British. It will be recalled that both Mr. Chou and Mr. Dulles attended the Geneva discussions on Indo-China last year, but they never shook hands or spoke directly to each other. Mr. Dulles has felt that any discussion now should be limited to the problems of China and the United States, and that a general Asian conference is not desirable. Senator George, the "Democratic Secretary of State," differs in one respect. He says the conference should be face-to-face, not through intermediaries. But he agrees with Mr. Dulles that it should be limited to the two countries, if possible.

The Senator's advocacy of a two-nation meeting suggests a very limited objective, for all but one of the five issues in the forefront of Far East tension involve other parties. These issues are:

1. Chinese imprisonment of Americans, and a Chinese claim that the United States is still preventing Chinese students in the US from returning home.
2. The future of the islands now occupied by Nationalist China.
3. Membership for Communist China in the UN.
4. Strategic trade controls directed against Communist China by a group of 15 countries, including the United States.
5. Support by Communist China of subversive movements directed against existing governments in Free Asia.

Only the first could be resolved by the US and China alone. But more important, the face-to-face meeting which Senator George suggests could aim at what President Eisenhower has called "a new friendliness," to serve as a climate for negotiations at other places, involving additional parties. Without such a Chinese-American meeting in the near future, the Senator says, he expects a flare-up in the now quiescent struggle between the two Chinas.

Where the meeting might be, how long it might last, what the agenda might be—these were issues which took months to iron out for the Big Four meeting, and would pose no less problem for a two-nation gathering. The US would certainly gain far greater prestige in the Free World, and especially in Asia, if it settled these questions by a forthright proposal from Washington, rather than by a series of defensive responses to prodding from would-be intermediaries.

Next Week

Frederic Collins' proposal on "How Adlai Stevenson Can Lead the Democrats" (*NR*, July 25) has aroused both professional and amateur politicians to debate. In the next issue of *NR*, Gerald W. Johnson and others will express their views on how the titular Minority Leader should function between elections.

Labor Settles for a Dollar

THE OVERWHELMING passage of the $1-minimum-wage bill by the House of Representatives last week (362 to 54) revealed two signs of the times: First, no one rose to object to the theory of a minimum wage; second, big business lobbyists didn't even bother to testify at the committee hearings. This first change in the minimum-wage scale since 1949, when the floor was raised from 40 cents to 75 cents, will directly affect some two million wage earners. Many of them will get a $10 raise to $40 a week.

This is one of the first victories of the newly united labor movement, whose closely co-ordinated efforts pushed the bill through Congress. Although the unions had originally asked for $1.25, they encouraged Democratic leaders privately to settle for $1 an hour. Despite the co-ordination, however, labor could not win the extension of coverage to about two million workers proposed by the Administration itself. The AFL and CIO agreed to trade wider coverage for the higher rate and the promise of a new try at extending the law to more workers next year.

But as opponents of the $1 increase have warned, the new high level may make extension impossible at the next session of Congress and possibly for long thereafter. Low-paying industries would be hard put to go from 50 cents or 60 cents an hour to $1 an hour at one leap. This real problem may introduce a new idea—two or more rates which would permit certain categories of industry to adapt gradually to the dollar minimum. If labor and Congress can agree on such a formula, workers will not have to face indefinite exclusion from any legal min-

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imum at all because their particular employers cannot at this moment afford to pay a dollar an hour.

Rebellion Without a Shot

INDONESIA is in a crisis—as much of a crisis as those unexcitable tropic islanders can work up in the summer time. The issue was big enough to cause the resignation of a defense minister and then the overthrow of the Cabinet, but Moslem President Sukarno went calmly off on his religious pilgrimage to Mecca, leaving the American-educated Vice President, Mohammed Hatta, to keep an eye on things while he is away. Among the upcoming "things" are the nation's first national elections, now scheduled for the last week of September.

It was a struggle between the Prime Minister and the army that touched off the Cabinet resignation.

Indonesia, as one of the 17 countries which gained independence during and after World War II, is struggling to establish a chain of command within the government, including the army.

The army is a loose confederation of territorial troops like our Revolutionary War militiamen, and the seven colonels who head the various regions have been semi-independent.

So President Sukarno asked Premier Ali Sastroamidjojo, a man with a grey spade beard, to appoint a new Army Chief of Staff who would take orders from the civilian government. The territorial colonels decided to ignore him, and to take orders from the Deputy Chief of Staff, who was one of their own number. *NR*'s correspondent in Djakarta, the Indonesian capital, sums up the interesting situation this way:

> The man appointed as chief-of-staff by the government sits in the Hotel des Indes, the once plush residential hotel for the Dutch, while in headquarters in another part of Djakarta, the deputy chief-of-staff, though nominally removed from office by the Minister of Defense, runs the army. The seven regional commanders have met and agreed they will obey the orders of the deputy.

There you have it. The cabinet resigns. The president goes off to Mecca. But the army carries on under Colonel Zulkifli Lubis, the deputy, who is described in press reports as "31 years old, wears a spade beard, and has cold penetrating eyes. He stands 5 feet 1 inch." He was trained by the Japanese during World War II as an intelligence officer.

A caretaker Cabinet is being set up to rule the country until after the September elections, when the first democratic Parliament will elect the first democratic prime minister. This will not happen in a day. Polling will continue for several days, and results will dribble in from outlying areas for weeks. As a nation of 2,000 islands covering an expanse of ocean as large as the United States, Indonesia is mostly outlying areas.

When this first prime minister takes office, his first problem will probably be Colonel Lubis with the spade beard.

Communist Grubstake

PRESIDENT HO CHI MINH of the Communist "Republic of Viet-Nam" has returned home from a money-raising journey to Peking and Moscow, and the pledges of economic aid which he collected were unexpectedly large, approximately equal to American aid to the free portions of that country.

Communist China pledged a sum which equals $332 million at the official rate of exchange. A public announcement said the Chinese aid would be used to rebuild railroads, highways and other transport facilities destroyed in the 7-year war against the French. Ten days later the Russians announced in Moscow a pledge equal to $100 million, to be used for food stuffs, epidemic control and industrial development.

These two contributions, nominally totalling $432 million, can be compared to an American economic program totalling $473 million during the past year for the three countries of Viet-Nam, Laos and Cambodia, all former components of Indo-China. Both the American and Communist aid programs also include military assistance, but the amounts have not been made public.

When the country was temporarily divided at the 17th Parallel under terms of the Geneva accord in July, 1954, the line of demarcation caused serious economic hardship for both halves of Viet-Nam. Hardship could affect the outcome of free elections which are scheduled for July, 1956. Consequently both halves of Viet-Nam appealed for outside economic help.

The Communist North received in the partition the chief industrial resources of the country—the coal mines, the textile mills and the cement output: but it also inherited a traditional food deficit now greatly increased by the execution of landlords. It lost the principal sources of foreign exchange. Faced with these difficulties, the Communist North has had to cope with scattered famine, the disappearance of most goods in the shops and severe inflation.

By contrast, the non-Communist South acquired the great rice bowl of Indo-China and the rubber plantations which finance the country's foreign trade. But it also suffered the loss of textiles, cement and coal in its domestic economy. American aid to South Viet-Nam has

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made up for these needs with foreign imports and managed to ward off inflation, but the South still has not recovered from the paralysis of the war.

It is against this background that the Communist Ho Chi Minh set out to line up more economic support just a year before free elections are scheduled. The Communists realize that their administration since partition has been characterized by the severest economic hardships that country has known in modern times. And maintenance of the largest army in Southeast Asia further increases the country's heavy economic burden.

The turbulent regime of Premier Diem in South Viet-Nam, although often the despair of the Free World, has succeeded in maintaining two conditions which make for stability—an ample local food supply and a flow of consumer goods from abroad. If free elections should be held, the 11 million people in the North and 10 million people in the South would undoubtedly be swayed in part by these economic conditions. But no such election has yet been held in any Communist territory.

Secretary Talbott Is In Trouble

PRESIDENT EISENHOWER'S emergence from Geneva with prestige enhanced has the Democrats seeking more desperately than ever for some antidote to charm. Some seem to think they have found it in the influence of big business in the Eisenhower Administration and in the contradiction between this situation and the spirit of some old, relatively obscure laws designed to keep public officials from using their offices to benefit private interests.

Take the case of Harold Elstner Talbott, who has been a full-fledged member of the Eisenhower team, since the Republicans came in. Talbott is not merely a consultant like Adolphe Wenzell (formerly of the Budget Bureau and the First Boston Corp.), nor a dollar-a-year man like Howard Young (formerly of the Defense Procurement Administration and American Zinc). To attain his present position, Mr. Talbott had to be confirmed by the Senate. To be confirmed by the Senate, Mr. Talbott had to comply with federal "conflict-of-interests" statutes; he had to divest himself of a great deal of stock and resign his directorship in numerous profitable firms which do business with the government.

The conflict-of-interests laws are permanent criminal statutes designed to insure "that government employees shall serve the public interest without reservation and shall not be induced to act against the public interest by any financial temptation from outside sources." They specifically prohibit a man from serving in an agency when his business is directly affected by the decisions the government makes. These requirements have been waived for dollar-a-year men (*e.g.*, Mr. Young—see *NR*, July 25, 1953—and many others) in order to ease the financial sacrifice involved in their coming to Washington.

Although they were not waived for Mr. Talbott—who has been earning $18,000 a year as Secretary of the Air Force—he was permitted to retain his $50,000-a-year partnership in Paul B. Mulligan & Co., a New York engineering firm specializing in clerical efficiency. Mr. Talbott pledged that as long as he was in Washington the Mulligan Company would not do business with any firm "essentially" in defense work. It appears now, however, that since he assumed his Cabinet post, Mr. Talbott has been sending out letters—on official Air Force stationery—to prominent industrialists suggesting that they retain the services of his own Mulligan Company. One of these solicitations went to Radio Corporation of America, a defense contractor. When executives at RCA questioned the propriety of doing business with the Air Force Secretary's partner, Mr. Talbott is reported to have called an RCA attorney and suggested that his firm "come down off their high horse."

Whether this activity by a high government official on behalf of a private firm is in direct violation of the conflict-of-interest laws remains unsettled. Certainly, though, it seems to violate the spirit of these laws. Mr. Talbott's amiable suggestion that if it would please the Senators, he'd be willing to forego his $50,000 a year in the future shows again the lack of sensitivity that has marked the responses of the succession of businessmen-bureaucrats who have made involuntary public appearances in recent weeks. Their consciences are not troubling them.

The conflict-of-interest statutes are generally accepted as being just and necessary. But, as the Wenzell and Talbott cases demonstrate, they are not by themselves enough to prevent the use of influence by persons who, although they have put on the hat of a government official, retain all the characteristics and habits of operation of a corporation head.

Since 1910, when he was graduated from Yale and entered his father's large construction firm, Mr. Talbott has devoted himself—with very great success—to making money. It should surprise no one that a man who has given 45 years to the pursuit of capital should see nothing wrong (merely because he has changed offices) with continuing to assist his old partner to line up new business.

This is the Democrats' case. Even if the conflict-of-interest statutes do not apply directly to Mr. Talbott or to Mr. Wenzell, enough cases of this sort, related to the abundance of corporation executives and corporation lawyers which the New Administration imported to Washington, may be enough to produce some suspicions and some votes.

"Take a Letter"

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And So Is Mr. Howrey

EDWARD F. HOWREY, the Eisenhower-appointed chairman of the Federal Trade Commission — created by Congress in 1914 to protect the public against unfair trade practices and monopoly—was for many years a lawyer representing big business clients before the FTC. One of these clients was the Firestone Rubber Company. When he assumed the chairmanship in 1953, Mr. Howrey promised to keep out of a price discrimination suit then being brought by the FTC, against his old employer, Firestone, and a number of other rubber firms.

The government won its case in District Court. But on appeal, the Circuit Court reversed the decision. FTC lawyers thereupon requested the Solicitor General to ask the Supreme Court for a writ of *certiorari,* which would, in effect, have upheld the government. Mr. Howrey, adhering publicly to his resolution to stay away from this particular case, did not vote with the other commissioners on the action. Ultimately, the Solicitor General decided not to go to the Supreme Court. That all happened in 1953. Now it has been revealed that Mr. Howrey paid a visit to the Solicitor General for a quiet chat before the Solicitor decided not to ask the Supreme Court for *certiorari.*

This news came out under questioning before a House Small Business Subcommittee, headed by Rep. Joe L. Evins (D, Tenn.). The Committee has begun an investigation of regulatory commissions which is disclosing a pattern of White House control over these presumably independent agencies, stemming from the first Hoover Commission recommendations, accepted by President Truman. The Hoover reorganization plan gave the Chief Executive power to name the chairmen of the several commissions and empowered the chairmen, in turn, to appoint their staffs and exercise direct control over them. Heretofore, the chairmen—who held that post in rotation—had had no more power than their colleagues. Thereafter the four other members of the five-man commissions tended to become superfluous personnel. Now commission decisions could be made between the White House and the White House-appointed chairman — in the above instance, Mr. Howrey. The budget too is now manipulated for control. Eisenhower's first budget director, Joseph Dodge—a Detroit banker—cut the FTC budget request $1 million and specified that the reduction would be in anti-merger prosecutions and anti-monopoly investigations. Former commissioner Stephen J. Spingarn—theoretically in charge of budget matters—protested this imposition by the Executive Department. But Chairman Howrey was content with being told what to do.

The Supreme Court has ruled that the FTC "cannot in any proper sense be characterized as an arm or an eye of the executive. It . . . must be free from executive control." The Securities and Exchange Commission seemed somewhat less than free from executive control (read, Sherman Adams) in its delaying action in the Dixon-Yates affair. And now the Federal Trade Commission has been reorganized, and the philosophy of the Commission transformed. As *Business Week* reported cheerily in June, 1954:

> FTC's job has in no way changed, but the way it intends to carry it out has changed. As compared to the way the Democrats did things, the Republicans are making it easier for the businessman who is up on the FTC carpet, harder for the FTC lawyers handling the cases. . . . Some observers say that, as a practical matter, FTC is setting standards of proof that will make the lawyers' job almost impossible.

Strategic Frontiers and Super-Bombs

EVIDENCE accumulates that there is a dangerous weakness at the very heart of Western strength. Last winter the North Atlantic Treaty Organization Council gave its military commanders formal permission to base their planning on the use of atomic weapons. In February the British Defense White Paper made it clear that the weapons envisaged included not only the so-called "tactical" atomic weapons, but also H-bombs.

Wishful thinkers, led by Churchill, have tried to persuade us that the very existence of the H-bomb makes war impossible. And the astonishing fact is that the West has welcomed the H-bomb as increasing its security, although the advent of thermonuclear weapons has given Russia the possibility of destroying all American cities, without bringing any significant increase in Western ability to retaliate on Russia—since this was absolute before the H-bomb was invented.

To shake this complacency Bertrand Russell recently published a declaration by eight eminent scientists which states that the use of hydrogen bombs in a world war may bring the end of the human race. More impressive is the study General Ridgway made of the problem before his retirement as American Army Chief of Staff. So far no one has been able to refute his conclusion. "In a situation of nuclear plenty," he wrote, "mutual cancellation of nuclear advantage can occur in terms of mutual devastation; or, depending on the degree of parity, in terms of mutually limited use; or finally, in common refusal to use nuclear weapons at all."

Is there any way by which in case of war the West could avoid the agonizing choice between blowing up the world, and surrendering to the Communist superiority in manpower? Speaking in Congress on July 11, Sen. Ralph Flanders (R, Vt.) gave a tentative answer. He proposed that the West should confine itself to the use of "tactical" atomic weapons against military targets in the battle area. And to reduce the risk that this might lead to the indiscriminate use of thermonuclear weapons, the West should unilaterally declare its intention not to use the H-bomb against enemy cities unless the enemy did so first.

I am sure this is the only way forward, though at present only a handful of men on both sides of the Atlantic are prepared to urge it. It might not be realistic at present since NATO does not yet have sufficient tactical atomic weapons and has not adapted its organization and strategy to their use. But a decision in principle should be taken immediately as to whether this form of "graduated" deterrent is practicable. For if it is, it will require a drastic change in the present production and training priorities of the NATO powers.

Above all, if the dwindling value of the thermonuclear deterrent is accepted, it must have profound repercussions on the Western attitude toward a European settlement. For strategic frontiers will then be seen to have more, not less, importance than they had before the advent of the atomic stalemate.

London DENIS HEALEY, M.P.

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The New Republic's editor, writing from Geneva, concludes that between July 18 and 23, the world progressed a measurable distance toward peace.

How Ike Reached the Russians at Geneva

by Michael Straight

THROUGHOUT the final day at the Geneva Conference, the chiefs of state struggled to write their Directive. At five o'clock they agreed upon its ambiguous wording. And that evening they returned for what should have been a round of friendly generalities spoken in farewell. "In our Directive," declared Sir Anthony Eden, who spoke first, "we have included the essentials of a comprehensive settlement." It was then up to Marshal Bulganin to second this moderately hopeful view. Instead the Marshal read an unyielding repetition of his original demands. He spoke in a low voice, and as he spoke the Soviet delegates gripped the sides of their chairs and stared at the floor. These things must be spoken for the record, they were sorry.

Bulganin was followed by President Eisenhower. In a few dignified phrases he passed over Bulganin's challenge. He recorded once more "my lasting faith in the decent instincts and good sense of all peoples" including the Russians. Then, when the conference ended, he went over once more to embrace and to reassure the Soviet leaders. The final impression that the American experts brought away was of Bulganin, Khrushchev and Zhukov, beaming and basking in the warmth of the President's personality.

Whether the Russians needed more time to consider the proposals made at Geneva, whether they were offended by their defeats at the propaganda level, or whether they had to end on a strong note in order to bolster the satellite regimes no one knew for sure. Two things alone seemed certain on that Saturday night: the first was that the personal impact of President Eisenhower was tremendous in Geneva; the second, that the meaning of the conference would turn, as the President concluded, on the follow-through. And if it was not certain, it seemed reasonably sure that in the five days from July 18 to July 23, 1955, the world moved a short but measurable distance toward peace.

The American approach to the Geneva Conference was summarized by President Eisenhower in his opening address . . . "We cannot expect here," he said, "to solve all of the problems of the world . . . It is out of the question in the short time available to the heads of governments meeting here to trace out the causes and origins of these problems and to devise agreements that could, with complete fairness to all, eliminate them. Nevertheless we can perhaps create a new spirit that will make possible future solutions."

In this key passage the President reconciled the irreconcilables of Geneva: the bitterness of its origins and the necessity of overcoming bitterness; the impossibilities of real agreement and the public demand that the impossible be attempted; the pessimism of Dulles and the President's view that "pessimism never won a war."

Because of its origins the Geneva Conference seemed doomed at first to fail. It was, it is worth remembering, brought into being as a means of inducing the French Assembly to ratify the German Accords. The French supposed that a conference at the Summit would lessen tensions and make German rearmament superfluous, but the reverse seemed a more likely result. The Soviet Government after all had warned, over and over, that ratification would increase tensions and end all hopes of negotiation in Europe. And while the Soviet leaders could not afford the political penalties of refusing to attend a conference dedicated to peace, they were under no compulsion to be generous at Geneva, least of all in payment for what they had described as an act of treachery.

The negative approach to Geneva was reinforced by the personal pessimism of Secretary Dulles. For 20 years the Secretary had followed each maneuver of Soviet diplomacy. He had learned to be suspicious of overtures from Russia, scornful of generalities, skeptical of agreements and doubtful about apparent changes of heart. He dreamed that his lifetime of diplomacy would be crowned with a peace settlement. But his dreams had a way of ending in nightmares dominated by Senator Knowland. He felt that in the period of Western strength that would follow the German Accords a year of hard Yankee trading might begin to show

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results. And he anticipated this trading with the grim pleasure of a lawyer trying a criminal case. He granted and then appraised the propaganda advantages of making the first play for public opinion in any conference. He weighed them against the bargaining advantage in forcing his adversary to make the first move. The canny trader in him chose the second course. Above all, Mr. Dulles remembered that, thanks in part to his own talents, the good names of Franklin Roosevelt and Harry Truman had been blackened before history with the brushes of Yalta and Potsdam. With his lawyer's concern for his client and his preoccupation with domestic politics, Mr. Dulles was determined that Geneva would never serve as a brush for Democrats to blacken Eisenhower. So, at Mr. Dulles' direction, negativism was the American watchword before Geneva.

The primary objective at Geneva, as Mr. Dulles interpreted it, was not to reach a settlement with the Russians but to preserve the unity of the allies. With this approach the working parties of the Foreign Office, the Quai D'Orsay and the Bonn Government agreed.

And yet public opinion, taught over lean years to believe in negotiation through strength, pressed for proposals that the Russians might accept. The pressure mounted sharply after January.

Le Degel is the French title of Ilya Ehrenburg's novel *The Thaw*. And *le degel* was the phrase used with some irony by the French to describe the months that led up to Geneva. During those months the Soviet leaders thawed not only in the sunshine of garden parties but in the shadows of conference rooms. Even the coldest of Soviet officials, Mr. Molotov, thawed out enough to apologize to Secretary Dulles for repeating the old Soviet line at San Francisco. "This anniversary celebration," Mr. Molotov explained, "is neither the time nor the place for serious talks."

The foreign ministers and their experts were content to ignore the thaw until it proved to be real. Their chosen approach to the Geneva conference remained unchanged. But the chiefs of states, unlike their servants, are public figures. They are political leaders, spokesmen of the national purpose and custodians of the national morale. The public may be moved by illusions, but chiefs of state cannot rough-hew these illusions.

The world's hopes for Geneva mounted following the thaw. And, thaw or no thaw, the three chiefs of state understood that it was for them to give expression to these hopes.

Edgar Faure was the weakest of the three and also the least involved. In France, where foreign policy is peripheral, premiers are not made and broken by their record on world affairs. Faure nonetheless felt impelled to establish France's independence and his own role as an innovator in statesmanship. He lacked the political power to undertake a man-to-man appeal to Marshal Bulganin. He could not, like Eden, propose further concessions on Germany since, as an advocate of German unification his neck was already well extended on that issue. He chose therefore the Mendèsian course of an ambitious scheme relating disarmament to economic benefits through budgetary controls which, no doubt would create fascinating problems in the case of France alone. His proposal certainly caused little loss of sleep among the Russians, but Frenchmen seemed well satisfied.

Sir Anthony Eden was also thinking largely in political terms. Superficially his leadership was unchallenged in his own country. In fact, as Prime Minister and as party leader, he was still on probation. Eden was not, like Churchill, the beer and bread of England. In a nation where foreign affairs are important he had staked his place in history on his record beyond England's shores. In approaching Geneva, Eden shunned, of course, the rococo presentation of Mr. Faure. His long record in the Foreign Office taught him further to distrust the American instinct for personal contact with the Russians. The only serious program for German unification, the Eden Plan, was his own creation. So he elaborated it and set out to make it more acceptable for the Russians in a series of proposals on partial neutrality for Germany. These he listed as "examples" in deference to Mr. Dulles' distrust of the specific. "We will lay them on the table at Geneva," said one of his aides, "and watch closely to see when Russian eyes light up."

Eisenhower, in contrast, cast aside the subtleties and the complexities of the Eden proposals, sensing in his unerring way that when chiefs of state meet, only great and simple gestures are deeply felt and long remembered. In this spirit he resolved to act on his own. Earlier delegations of the Presidential powers to Admiral Radford and Secretary Dulles had on more than one occasion landed Eisenhower close to disaster. So in Geneva he determined that he would play the President's part. Lacking Roosevelt's jaunty conviction that he could charm the buttons off Stalin's vest, Eisenhower had enough of Roosevelt in him to believe that he could redirect the course of world diplomacy by the force of his personal impact on the Soviet leaders. And on the one issue of disarmament on which he trusted his own judgment, the President worked alone, without the knowledge of his own delegation.

SO THE final preparations were made for Geneva. In inspired editorials of the *London Times*, through quiet briefings of the American reporters, and in the spirited debate which Premier Faure staged with French journalists, the outlines of the Western position became clearer. The Russians, in turn, matched every dramatic development with one of their own. Two senior Soviet advisers on Germany were added to the Russian delegation. Then Marshal Zhukov's participation was announced in a plain bid for direct talks with Eisenhower. Next Khrushchev said that he was coming. The reason,

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American experts supposed, was that Khrushchev was anxious to share the credit for any success that might be registered at Geneva, while all the other Soviet leaders wanted to be quite sure that in the event of failure Khrushchev would share the blame.

So, in Paris the sense of excitement mounted, despite the warnings of old timers that nothing could take place. "We're dealing with three mavericks in our chiefs of state," said one expert. "Who knows," he added, "the conference may amount to something after all."

From then on, of course, the outcome of the Conference turned on the Russians. If their purpose at Geneva was propaganda, they would endorse the Faure Plan and blame the United States for withholding from the masses its immediate fruits. If instead they wanted rapid progress toward a real settlement, even at some cost to themselves, then they would advance to a detailed examination of the Eden proposals. But if their main objective was to create a better international atmosphere without giving up anything of significance, then Eisenhower's appeal for a new spirit would be the one to which the Soviet leaders would respond.

It was the third course that the Russians chose at Geneva. They showed a new spirit of friendliness from the moment that they walked down the ramp of their plane. They demonstrated in particular an ardent desire to please the Americans and a touching capacity to be pleased by the Americans in return. But they did not relate the new spirit to any new plans for peace. They advanced over the five days of the conference a series of detailed proposals. But all of these proved on close examination to be repetitions of familiar propositions with only minor modifications. Bulganin and Molotov, in other words, came to Geneva with precisely the same thought as Eisenhower and Dulles: the Conference should create a new spirit, but one not sustained by any new ideas.

It was on the opening day of the Conference that the Russians scored their great success. They arrived at the Palais des Nations in an open car in obvious contrast to President Eisenhower who roared by encased in a bullet-proof limousine escorted by motorcycle policemen and surrounded by armed guards. In further contrast, the leader of the free peoples hurried unsmiling up the steps of the Palais while the heirs of Stalin paused with a wave and a smile on each step. The President spoke first in the morning and, in homage to his party, voiced his concern over the enslavement of the satellite states. In the first of many rumors started in the Maison de la Presse, French journalists reported that the Russians were upset. The polemics of the President, they felt, made it hard for them not to engage in counter-polemics, and yet they had no desire to see the Conference start on a sour note. But if the Soviet delegates felt the temptation to argue, they resisted it. Marshal Bulganin, it seemed, had chosen as his model for Geneva the prior success of his side at Bandung. There Chou En-lai had brilliantly countered rudeness with courtesy, and extremism with moderation. The Russians were determined to appear even more mature. In one mild word "inappropriate" Marshal Bulganin passed over the President's unkind phrases. "The purpose of this conference," Bulganin stated in an exact paraphrase of the President's main point, "is not to indulge in recrimination but to . . . create an atmosphere of confidence in relations between nations."

So the new spirit survived. "If we can preserve this spirit of friendship," declared the President at the close of the first day, "then . . . this conference will be a great success."

With equal determination the Soviet and American delegates generated the new spirit throughout a trying week. The Marshal demonstrated that he was truly moved. The President appealed to Marshal Bulganin to believe in his peaceful intentions. Marshal Bulganin replied that indeed he did. Mr. Dulles, who once relished his bitter encounters with Mr. Molotov, joked about their past exchanges and approached the Soviet Foreign Minister with courtesy and respect. Mr. Molotov also joked and appeared to be open to reason. "You may be right, of course," said Mr. Molotov. "No doubt I may be mistaken. . . . I quite see your point. . . ." The veterans of 10 years looked at each other in total disbelief.

In the buffet luncheons and the elaborate dinners the new spirit was maintained. The President kidded Zhukov about his many colored uniforms and Bulganin about his non-military suits. The Marshal in turn kidded Eisenhower about his new-found civilian status. Even the most cynical of diplomats was impressed. The Soviet leaders had always trusted and admired Eisenhower in the same wholehearted way in which they distrusted and feared Dulles. They are, in addition, sober students of protocol who respect rank with the same intensity as they revere power. Quite apart from personality there is a majesty that surrounds a President in Soviet eyes. To this majesty Eisenhower added human warmth. He was riding a crest of self confidence at Geneva, passionately believing in his misson and at the same time thoroughly enjoying himself. His earnestness and friendliness were pressed upon Bulganin and Khrushchev who had barely met an American, and the impression was apparently profound.

There were, however, iron boundaries where the excursion of personal diplomacy came to a halt. They were reached on the second day when German unification dominated the agenda. The allied leaders had pressed hard for unification during the first day's discussions. Marshal Bulganin had spoken in rather vague and encouraging phrases. He agreed that German unification was the goal. He maintained only that it must be accomplished step by step, which was a position that Ger-

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"For the present, Soviet ambitions are unaltered..."

man spokesmen themselves advanced in private conversation.

This view was not beyond reconciliation with allied demands. For the allies agreed in private that a period of lowered tensions would necessarily precede a solution in Germany. They feared principally that the Russians would look on this period not as an interval of relaxation but as an opportunity for active intrigue to extract West Germany from NATO. Lacking any evidence that the Soviet thaw extended beyond smiles to minds and hearts, they pressed the Soviet delegation on the second day for prompt assurances on specific points. Thus cornered, Marshal Bulganin chose to be frank. He declared that the time for unification had not come and could not be fixed.

So Eden was brushed aside. It remained for Eisenhower to try his alternative approach. The President fixed his eyes on Zhukov and declared that the Russians had nothing to fear from NATO. But an impression is less than a conversion, and conversion required a greater figure than Eisenhower at Geneva. Bulganin closed the day with finality, declaring that his statement reflected the well-considered view of the Soviet Government and that he would say no more.

ON THE third day the Conference turned to security. To Mr. Dulles the issue was very clear. Seen as an abstraction, he believed European security was a meaningless effort to join six or 26 nations in the common illusion that there was some safety in paper promises.

Seen instead as a means of limiting the dangers attendant upon German unification, a security system moved into focus as a set of well-defined and well-enforced guarantees. These guarantees would concern the frontiers, the alliances and the armed forces of a unified Germany and therefore, Dulles argued, security for Europe could be considered only in the context of German unification.

But unification had been set aside by Bulganin, and on security the Russians had a plan apart. A new and realistic proposal on security might have recovered for the Russians the ground lost on the previous day. But their proposal proved in all essentials to be the plan presented in Berlin 18 months before. It did offer participation in the security system to the United States, but this concession had long been discounted. And while the plan moved toward realism in proposing two stages, the Valhalla of unification lay in the second stage and, on the farther side, of the destruction of NATO.

The United States insisted on unification before security, the Russians on security before unification. The French hinted at a plan for linking security systems which the Germans indignantly vetoed as an unacknowledged acquiescence in the status quo. There the deadlock continued until Eden proposed that unification and security be considered together. On that basis the Foreign Ministers were sent off to work up a directive. This constructive act in turn nearly wrecked the Conference. For Eisenhower in dispatching the Ministers seemed to tell them to follow the Soviet stand. A near-panic followed in the German press, and usually responsible British journalists enlivened their nation's newsstands with preposterous stories of an American surrender to the Kremlin. But Mr. Molotov, still gracious, saved the President from further embarrassment on the following morning by remarking that everyone understood that unification and security were linked together. That, however, appeared to be the last point on which the Foreign Ministers could agree.

The chiefs of state moved on to the great issue of disarmament. Here the Russians were on their most favorable ground. Their major proposals of May 10 stood unanswered after 10 weeks, and no well-prepared answer was available on the allied side. In his last press conference, however, and his opening address at Geneva the President had moved a substantial distance in the direction of the Soviet plan. The distance that remained in principle was not too far to prohibit a detailed directive to the UN experts to start over in the preparation of a modest and realizable program for early warning and selective inspection.

"The United States," the President declared in Thursday's session, "is prepared to enter into a sound and reliable agreement." He defined this agreement as one based on adequate inspection and reporting. "I propose," he said, "that we instruct our representatives in the subcommittee on disarmament . . . to give priority effort to the study of inspection and reporting." This was perhaps the most important recommendation of the entire conference, but it was wholly lost. The President apparently had been brooding in secret upon a much more dramatic idea, and some remark of Bulganin's prompted him to bring it forth. Setting aside his glasses and speaking "from my heart," the President proposed to exchange "immediately" the complete blueprint of our military establishments and "to provide within our countries facilities for aerial photography to the other country." The Russians said nothing. Faure regretted only that all his countrymen could not have witnessed the President's great act. Eden was a little more reserved. The French and Swiss papers called the proposal "audacious." *"Grossartig . . ."* exclaimed the admiring observers from Bonn. The American journal-

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and yet, the new spirit at Geneva is also real."

ists, in contrast, were inclined to be resentful, feeling that they had been misled.

The President's offer certainly could scarcely have been designed to be more unacceptable to the cautious and suspicious Russians. And a good many observers, when they recovered from the first shock, concluded that the President's purpose was not to give a start to new discussions but to put an end to the Soviet boasts that his country could not match the courage and boldness of the May 10 plan. It is more charitable to accept the President's own explanation. "I have been searching in my heart and mind," he declared, "for something I could say here that could convince everyone of the great sincerity of the United States in approaching the problem of disarmament." Eisenhower presumably was still endeavoring to convert the Russians to his own belief that they had nothing to fear but fear itself and so to salvage some great achievement from the ruins of the earlier discussion on Germany. But well-meaning and daring almost to the point of recklessness as this intervention was, it seemed probable that it would do more harm than good.

THE risks most certainly were very great. For the Russians are allergic to all theatrics except their own. If now they decided that the President's action was not generous impulse but a well-prepared plan, contrived to look like an impulse, then they would be driven toward the conclusion that Ike's other acts of impulse were also contrived. And if this idea took hold in inherently suspicious minds, then the greatest of Geneva's assets—the Russian belief in Eisenhower's personal integrity—might be sacrificed on the altar of one propaganda blow.

In either event the Soviet reaction was unlikely to find expression at Geneva. For by Thursday evening the conference was moving toward its end. As the foreign ministers struggled with the final communiques, a few conclusions could be drawn.

The Soviet government came to Geneva with well-established positions. And neither the limited offers of Eden nor the personal assurances of Eisenhower could work any substantial change in these positions in the course of five days. Nor was this a cause for gloom. It was, after all, Mr. Dulles' emphatic view that a long period of study, of reflection and of verification in subsequent meetings would be necessary before any new positions would emerge. And the Soviet leaders, as I have indicated, shared Mr. Dulles' opinion to a startling degree. Only great weakness within the Soviet Union could have led the Soviet Union to yield on Germany. And if the conference served no other purpose, it demonstrated that the Soviet state is not, as Mr. Dulles maintained, on the point of collapse.

Far from showing weakness at Geneva the Russians demonstrated that their ambitions as well as their defensive positions are unchanged. "Do not imagine," said an influential and sophisticated Russian to me, "that there has been a revolution within the Soviet Union. Mr. Khrushchev, I assure you, is following the Stalin line."

The Stalin line as last laid down at the 19th Party Congress, was that, given the right tactics by the Kremlin, wars between the capitalist countries were still as probable as capitalist war upon the Soviet world.

For the present Soviet ambitions are unaltered. And yet the new spirit is also real. It survives because both sides have need of it; the West, because free societies need hope for nourishment; the East, because the immense tasks of internal consolidation require a period of *detente*, relaxation in strained relations between nations.

The Russians insist on a period of *detente* before yielding on the great sources of tension. The West will accept the *detente* because it has no choice.

In terms of concrete agreements, the immediate gains from a relaxation are likely to be meager. But the significance of agreements can be enormously overrated today. On the great issue of disarmament, for example, we have come down to the technicalities of early warning. And yet they are far less significant than political and psychological storm signals. In Russia today, as in China last year, months of telltale psychological preparation must precede an aggressive war.

There are dangers in a *detente*. They center in Germany where the strains of division may break apart the contracts made with the West. They can be avoided only if the Western partnership gains continually in meaning and in promise. And if the Soviet stake in the new spirit becomes so great that the penalties of a deal with Germany will seem to the Soviet leaders to outweigh its gains.

To balance this danger, there is in a *detente* one source of hope. Wise men, the experts recall here, have argued that the semi-myth of foreign hostility is indispensable in justifying the repressive instruments of the Soviet state. How far, they wonder now, can economic exploitation and police terror be maintained during a *detente?* If the relaxation should long continue, then the thaw may truly melt more than the hard resolve of the allies.

In that event, as President Eisenhower prophesied, all problems may become manageable. NATO will shrink in significance as a military instrument. Germany will begin to look like any other state. The new spirit of Geneva will begin to take on flesh and blood. The hermits of the Kremlin will discover that there is something after all in the view that beyond their borders at least they have nothing to fear but fear itself.

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Congress and Geneva

It is now almost 40 years since Woodrow Wilson, in 1918, started for Europe borne along by such a strong following wind of popular good-will as this country has not felt since, until Dwight D. Eisenhower started for Europe on July 16, 1955, with the same sort of wind *filling his sails.*

The striking similarity of the two departures invites speculation as to how much further the analogy will be drawn. In the case of Wilson, we have the testimony of Corinne Roosevelt Robinson that before he had landed on the other side the majority leader of the Senate, Henry Cabot Lodge, visited the hospital where the actual if not the titular leader of the Republican Party, Theodore Roosevelt, lay on his death-bed, and there and then the two plotted to employ Senate reservations to destroy any treaty that Wilson might bring back from France.

Their belief was that if the Democratic Party got credit for making a good peace, it could not be defeated in 1920. Therefore it must not be allowed to make peace. The Senate must stall along until after the election of that year, so that the Republican Party could make the peace.

All the world knows how hideously that conspiracy back-fired. It destroyed Wilson, all right, and it beat the Democratic Party; but it also destroyed the peace. Three years later, on July 2, 1921, President Harding signed a joint resolution by a Republican Congress ratifying every damnable clause of the Versailles Treaty, including the war guilt clause, and repudiating every decent clause, including the League of Nations. From that moment the Second World War was inevitable. The price in sorrow and loss that the world paid for the spite of two malignant old men is beyond human computation.

With this dismal story in mind it is inevitable that men should turn an apprehensive eye on the majority leader of the Senate and the titular leader of the opposition party. Fortunately, they are in plain sight. By a sad mischance the majority leader is in a hospital, although not, the country hopes, on his death-bed. But Mr. Lyndon Johnson has not been conspiring with Mr. Adlai Stevenson to wreck any settlement that Mr. Eisenhower may bring back. On the contrary, both are publicly pledged to support any reasonable move the President may make to relieve the existing tensions.

So there is no trouble in that direction. If the President's work is sabotaged, it will not be by the formal opposition; yet he is an optimist indeed who assumes therefore that it will all be plain sailing. The resolution offered by Senator McCarthy just before Mr. Eisenhower's departure was actually a call for a vote of no-confidence. Only four Senators supported it with their votes, but never believe that only four Senators favored it secretly.

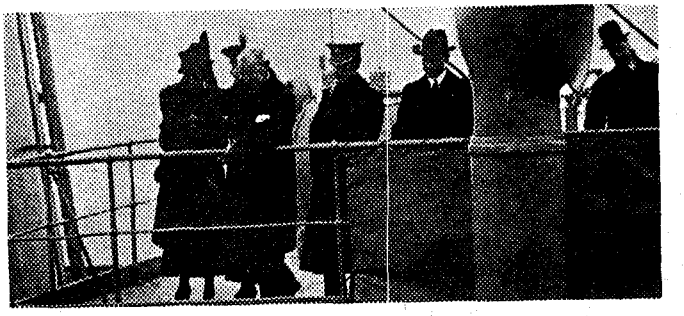
The conference at Geneva is an attempt to reach a settlement by negotiation, and negotiation in the nature of things entails give-and-take. But if the President gives one iota to the Russians, the extreme isolationists will instantly be clawing at his back. In that case, is it likely that the minority leader, Mr. Knowland, will haul them off? There is nothing in his record indicating that he has any disposition to do so. On the contrary, he has himself repeatedly and publicly expressed skepticism of the President's program of international comity.

By the time these lines meet the reader's eye the conference may be over, but the trial of the Republican Party will be just beginning. Thirty-seven years ago it failed calamitously and there are still some men in the party as completely blinded by hatred and prejudice as were Theodore Roosevelt and the elder Lodge. The question is, do such men still dominate the party? If they do, the outlook for the nation and the world is not encouraging.

There is a chance, of course, that Geneva will be a complete fiasco and that the President will bring back nothing requiring the attention of the Senate, but it is an eventuality that patriotic men will refuse to anticipate. It will be hard enough to accept it if it is forced upon us. The serious question is the capacity of the Republican Party to take advantage of an opportunity if one is presented. Has the experience of the tortured generation that has lived and suffered since 1918 taught it the rudiments of statecraft, or is it still the party of the Bourbons, who learn nothing and forget nothing?

It is definitely a Republican responsibility. In the Senate, in the absence of Mr. Johnson, Mr. Clements will certainly do what he can, as Mr. Stevenson will do what he can outside; but theirs is only a secondary responsibility. Even if their joint efforts save the President's program, as they have saved it time and again in the past, they will not acquit the Republican Party. If any considerable number of their members—one is justified in saying that if more than four Republican Senators—evince a disposition to do to Dwight D. Eisenhower what their predecessors did to Woodrow Wilson, the party will have demonstrated its incapacity to exercise power and will forfeit all claim to the confidence or even the respect of the country.

GERALD W. JOHNSON



President Wilson embarks for Paris, in November, 1918

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Lawyers, Psychiatrists and Crime

"Guilty or not guilty?"

To lawyers and judges and most others that question has had, for centuries, a clear meaning. Those who broke laws deserved to be put behind bars. Thus would crime be discouraged and the community protected from violators of common rules of behavior.

But with the rise of psychiatric learning and influence, disturbing doubts about the meaning of guilt and the protection society in fact receives by imprisoning the "guilty" have come to the surface. The courts have been compelled to reconsider whether imprisonment alone is society's best weapon of self-defense.

Important differences, however, as to the meaning of "responsible acts" and the need for jailing offenders still divide lawyers from psychiatrists. This is the first of three articles intended to clarify some of these differences.

Who Is of "Unsound Mind"?

by Walter Goodman

IN 1951 Monte W. Durham, a 22-year-old resident of Washington, D. C., was arrested on a charge of housebreaking and robbery. Durham had been in and out of St. Elizabeth's, the capital's mental hospital, four times in six years; he had last been released only two months before. A psychiatrist testified unhesitatingly at his trial that Durham was of "unsound mind" when he committed the crime. Despite this he was convicted and sentenced. The case was appealed, and three years later, in the summer of 1954, the US Court of Appeals for the District of Columbia handed down a decision which overturned a century-old judicial rule for determining criminal responsibility and gave fresh urgency to issues which have been troubling and dividing psychiatrists and lawyers for a long time.

Society seems to have recognized from the beginning of legal history that there are some men who commit crimes but cannot fairly be held responsible for committing them. Of course lunacy was once attributed to the presence of evil passions which were nourishing demons in the lunatic's soul; and he was therefore beaten, kept in chains and occasionally burned in an effort to exorcise the devil and save the soul. But by the reign of Henry I, the principle of *mens rea*, or the culpable mind, was already established in British jurisprudence and the law stated explicitly in the time of James I that "the deed does not make the criminal unless the mind is criminal." Clearly a chap who takes another chap's umbrella out of absent-mindedness or for a joke or because all proper umbrellas look the same does not belong in the rogue's gallery of your local post office. And by the middle of the 18th Century English jurists had added to the ranks of those who might escape punishment the fellow who cannot distinguish between good and evil, who "does not know what he is doing, no more than a wild beast." Gradually, over the years, "right and wrong" took the place of "good and evil," and it was agreed that a man need not be reduced to the bestial to be judged incapable of sorting what is right from what is wrong.

This was the way things stood when on January 20, 1843, a Glasgow woodturner named Daniel M'Naghten shot and killed one Edward Drummond, a secretary to the British Prime Minister, Sir Robert Peel. M'Naghten had been out to get the Prime Minister himself, for reasons which he explained after his arrest:

> The Tories in my native city have compelled me to do this. They follow and persecute me wherever I go, and have entirely destroyed my peace of mind. They followed me to France, into Scotland and all over England; in fact, they follow me wherever I go. I can get no rest from them night or day. I cannot sleep at night in consequence of the course they pursue toward me. I believe they have driven me into a consumption. I am sure I shall never be the man I formerly was. I used to have good health and strength, but I have not now. They have accused me of crimes of which I am not guilty; they do everything in their power to harass and

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> persecute me; in fact they wish to murder me. It can be proved by evidence. That's all I have to say.

That was quite enough. The verdict of a jury and three judges, including the Lord Chief Justice, was "not guilty—by reason of insanity." The case caused a great stir in Britain, prompting the Judicial Committee of the House of Lords to seek a hard and fast rule which would cover all such future cases. Fifteen English justices agreed on the following doctrine:

> The jurors ought to be told in all cases that every man is presumed to be sane, and to possess a sufficient degree of reason to be responsible for his crimes, until the contrary be proved to their satisfaction; and that, to establish a defense on grounds of insanity, it must be clearly proved that at the time of the commission of the act, the party accused was labouring under such a defect of reason, from disease of the mind, as not to know the quality of the act he was doing; or, if he did know it, that he did not know he was doing what was wrong.

This "right and wrong test" as it came to be labeled was criticized by both doctors and jurists almost as soon as it was set up. The ink had hardly dried on the House of Lords parchment when Dr. Henry Maudsley described the M'Naghten rule as "an absurd dictum which has long been discredited by medical science." Dr. Maudsley notwithstanding, the dictum was imported at once by America, where it holds today as precedent in the criminal courts of almost every state.

THE major objection of the psychiatrists has been, broadly, that the whole notion on which the ruling is based is unreal. It assumes that the mind is divided into compartments, that the most important of these is the cognitive compartment and that only when this one blacks out can the offender be relieved of responsibility for his crime. For many years psychiatrists did toy with concepts like "monomania" and "partial insanity," but they long ago achieved monotheism: "The Mind is One!" they maintain now. As for questions of Right and Wrong, they are outside the scientific ken altogether. So that an honest psychiatrist on the stand in a criminal trial is very likely to find himself in a strange world.

Since the jury alone is considered competent to pass on the truth or falsity of evidence, the expert witness is permitted to express his opinion on facts that are only assumed to be true. He may be asked to assume facts directly opposed to his opinion. The defense and the prosecution may—and often do—put contrary hypothetical questions to him and leave the jury with the impression that he has contradicted himself. The person described in a hypothetical question is hardly ever more than an abstraction anyway, but the jury does not always understand this. An attorney can distill a host of peculiarities into a single question: "At the age of six he fell on his head and was unconscious for two hours. At the age of seven he ran away from home for a week. . . ." And so on. Both the jury and the psychiatrist can be strongly impelled by a loaded narration of this sort to a conclusion of abnormality. On the basis of a 78-minute hypothetical question in the Alger Hiss trial, a psychiatrist testified, in effect, that Whittaker Chambers, whom he had never examined, was a psychopathic personality. Sometimes a question may be aimed solely at influencing the jury; the answer may not count at all. A record 20,000-word hypothetical question propounded in a Massachusetts courtroom in 1907 elicited the informative response: "I don't know." It was such uses of the device that prompted Justice Learned Hand to call the hypothetical question "the most horrific and grotesque wen on the fair face of justice." Someone else has said it is "misused by the clumsy and abused by the clever."

As if this weren't enough to tie up a witness, the court permits the psychiatrist to express his opinion only on the crucial facts as laid down by the M'Naghten rule, and the defense attorney's crucial question will come at him something like this: "In your opinion, did the defendant possess sufficient mental capacity at the time of his crime to know the nature and quality of his acts and to distinguish between right and wrong?" The jury leans forward like truth-seekers at Delphi, about to learn whether the fellow being tried was mad or whether, like all normal folk, he knew right from wrong.

Now the psychiatrist may believe that, in fact, the defendant did indeed know what he was doing when he loaded up his shotgun and killed his wife and four children; he may believe further that the defendant knew perfectly well that murder is wrong and that such murder is wronger than most. Yet he may still be convinced that the man could not help doing what he did. As Dr. Benjamin Karpman, a prominent psychoanalyst and writer on criminality, puts it: "An individual, and presumably a sane individual, may indeed know intellectually the difference between right and wrong, yet be wholly unable to choose emotionally the right, the emotional forces within him driving him irresistibly toward the wrong." So if the psychiatrist answers the question put to him scrupulously, he may be helping to place the noose around the neck of an irresponsible person; to answer truthfully, he must perjure himself.

Under cross-examination he may be compelled to respond to questions about specific symptoms which have no meaning apart from the whole clinical picture. A particularly neat prosecution gambit is to ask, hypothetically again, whether an individual possessing one of the symptoms credited to the defendant is thereby proved insane. Of course, he never is. Then the lawyer asks about another symptom and then another. In each instance the psychiatrist must answer, "No." And, at last, the prosecutor can turn to the jury and announce in triumph: "You see! None of the symptoms relied on proves insanity!" Any clever attorney can make the ex-

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pert appear foolish to a jury which is unlikely to understand his dilemma, his distinctions or his language.

The M'Naghten rule, then, touched only a fraction of the undeterrable mentally ill—for the most part those suffering from outright delusions. It placed undue emphasis on the intellect, on reason at the expense of far more important emotional pressures—analagous perhaps to diagnosing typhoid by the presence of temperature and shunting aside all other symptoms as irrelevant. It asked the wrong questions of the psychiatrists and elicited the wrong answers.

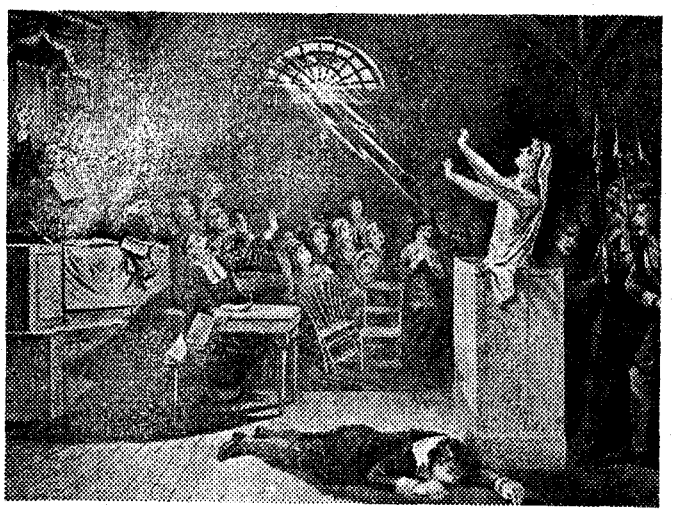
Psychiatrist Gregory Zilboorg complained that the M'Naghten rule forced the expert "to violate the oath as a witness to tell the truth and nothing but the truth . . . to perjure himself for the sake of justice." More than 20 percent of the nation's psychiatrists—and among them some of the most highly esteemed—have resolved their qualms by simply refusing to testify as partisan witnesses at trials. But 80 percent of the profession is still available, and in some places no murder trial is complete without its pair or quartette of differing experts.

LEGAL minds in both England and this country shared the psychiatrists' dissatisfaction with the M'Naghten rule. Mr. Justice Cardozo summed up the widely accepted judgment a quarter of a century ago.

> Everyone concedes that the present definition of insanity has little relation to the truths of mental life. . . . If insanity is not to be a defense, let us say so frankly and even brutally, but let us not mock ourselves with a definition that palters with reality. Such a method is neither good morals nor good science nor good law.

Justice Cardozo's point was vividly made in the New York State trial of Albert Fish, who killed a six-year-old girl and cooked her flesh in order to save her from being deprived of her chastity. Fish had been committed to a mental hospital several times and had been released after treatment. A large number of sewing needles were discovered in his body, where he had purposely stuck them at the bidding, he explained, of Jesus Christ. He was also the inventor of a little brush with nails in it that he used to spank himself. Under the M'Naghten rules, the jury found him legally sane and he was executed.

Another execution which troubled many observers came in 1946 after the Supreme Court upheld the first-degree murder conviction of a Negro janitor who beat a librarian to death to stop her from screaming at him. The man had achieved the third grade when he left school at 14—with a mental age of slightly over 11; there was evidence suggesting syphilitic involvement of the brain; he had long been a heavy drinker and had been intoxicated on the night before the killing. A psychiatrist testified that the janitor was an "aggressive and impulsive psychopath." The prosecution's psychiatrist did not examine him. He was executed.



" . . . demons in the lunatic's soul . . . "

But these were exceptional cases. In practice the niceties of the M'Naghten test were very often smoothed over. Prosecutors frequently disposed of obvious cases of insanity without bringing them into court. Forensic psychiatrists managed to make their opinions known somehow. And juries, though unpredictable, did not as a rule quibble about "right and wrong"; if they were convinced the defendant was not quite sane, it rarely appealed to their common sense to hang him. Nevertheless, in Pennsylvania, for instance, 99 percent of the psychopaths and sex offenders sent to prison because they were able to tell right from wrong served their terms, were released and became involved in similar offenses. The average felon diagnosed as insane in Philadelphia's Eastern State Penitentiary between 1943 and 1953 had to appear in court five times before he was finally so diagnosed.

Several states tried to improve matters by adding a second test to the "right and wrong" criterion. They allowed jurors to ask themselves whether the accused had given way to an irresistible or uncontrollable impulse and, if he had, to exempt him from criminal responsibility. It was very much the grim old judge's question: "Would he have done it if a policeman in uniform were at his elbow?" Sufferers from schizophrenia and paranoia are famous for their cool, calculated and ingenious means of taking vengeance on imagined persecutors. The implied idea that a man can be mentally ill at one moment and well the next was a piece of folklore. Again the problem had been grossly oversimplified.

On the other hand, some men who would certainly have been judged culpable on the basis of the right and wrong test were saved by being judged "unfit to plead" at the moment the trial was set to begin. "Is the prisoner of sufficient intellect to comprehend the course of the proceedings so as to make a proper defense; to challenge a juror to whom he might wish to object; and to understand the details of the evidence?" These are the demands a prospective defendant must meet in many juris-

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dictions—much more difficult demands than those set up by the M'Naghten rule itself. So some who could easily have passed the right and wrong test were deprived of a crack at it by being flunked out on the first go-round.

THE earliest judicial relief from the M'Naghten ruling came in New Hampshire in 1870. The Supreme Court of that state handed down an historic decision in the Pike Case which swept aside the House of Lords doctrine: "We have consented to receive those facts as developed and ascertained by the researches and observations of our own day, instead of adhering blindly to dogmas which were accepted as facts of science and erroneously promulgated as principles of law 50 or 100 years ago." Instead of adopting a new set of arbitrary symptoms, the New Hampshire court recognized simply that an accused is not criminally responsible if his unlawful act was the result of mental disease or defect. It was left to the psychiatrist to examine the defendant and testify as to his condition; it was left to the jury to decide whether he was legally sane. Once the presumption of sanity was overcome with evidence of mental disorder, it was up to the prosecution to prove beyond a reasonable doubt that the defendant was sane.

Although it was hailed by psychiatrists, the Pike decision did not flourish outside New Hampshire—possibly because that happy state endures very few murders annually, which made it difficult to generalize on the new ruling's workability, or possibly because of the traditional resistance of law to change. As a New Jersey judge put it in 1926, reaffirming the M'Naghten rule:

> There are many rules of law which are not perhaps logical. They can from the standpoint of logic be successfully attacked. Yet many of these laws remain unaltered by statute or decision because they have stood the test of practical trial. Our courts are not schools of logic. They administer the law, and the law should not be changed because a case arises in which its application to the facts appears to result oppressively.

So for 84 years most of the country held solidly to the M'Naghten rule while psychiatric knowledge increased and criticisms increased along with the knowledge. Many jurists and professors of law were growing more and more concerned over this judicial lag, however, and for years a new approach has been awaited. Finally, on July 1, 1954, the US Court of Appeals for the District of Columbia handed down a unanimous decision in the case of Monte W. Durham, who had been convicted of housebreaking after a psychiatrist was unable to fit his testimony to the right and wrong formula; the court directly and unequivocally repudiated the classic M'Naghten and, in substance, adopted the New Hampshire rule.

Judge David Bazelon, who wrote the opinion, stated flatly: ". . . an accused is not criminally responsible if his unlawful act was the product of mental disease or mental defect."

Sticking close to the conclusions of a British Royal Commission report on the subject delivered in 1953, the three-man appellate court directed trial judges within its jurisdiction to instruct juries that they must find two things if they are to convict: (1) that the accused was not suffering from a mental defect or disease; (2) that if he was, the criminal act was not the product of the condition. If the jury found that the mental disease did not induce the act, its presence was to have no influence on the question of the defendant's guilt.

The Court's rationale was summarized very simply in the last paragraph of the opinion:

> The legal and moral traditions of the Western world require that those who, of their own free will and with evil intent (*mens rea*), commit acts which violate the law shall be criminally responsible for these acts. Our traditions also require that where such acts stem from and are the product of a mental disease or defect as those terms are used herein moral blame shall not attach, and hence there will not be criminal responsibility. The rule we state in this opinion is designed to meet the requirements. Reversed and remanded for a new trial. [In his new trial, ironically, Durham was sentenced to a prison term of from one to four years.]

Enthusiastic observers, particularly among the psychiatrists, have lauded the decision as a delayed dethronement of the obsolete right-wrong criterion. The Durham opinion, they say, removes the barriers to communication between lawyers and physicians. The psychiatrist will be permitted to testify sensibly and the jury will be possessed of up-to-date expert opinion with the help of which to pass its moral judgment on the defendant. The offender will be better served and the community will be better protected if the offender is removed to a hospital instead of to a prison.

More restrained observers, particularly among the lawyers, note that the Durham decision merely puts the official seal on what has, in fact, been the existing situation for some time. They note too that none of the crucial terms is defined. What is "mental disease or defect"? The words are loose enough to encompass everything from mild neurasthenia to an organic psychosis. Perhaps these concepts do not lend themselves to precise definition by the courts any more than the legal concepts of "fraud" or "negligence," but isn't vagueness an invitation to simulators? And how is a juror to determine whether the crime was a "product" of the mental illness? Can any specific act ever be picked out and separated from such illness?

These questions and others will continue to confront judges, lawyers and juries under the new rule. But, at the very least, the Durham decision indicates that some jurists are alert to the need for re-defining the limits of criminal responsibility in the light of present-day psychiatric knowledge.

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BOOKS & COMMENT

The Novels of Christina Stead

by Elizabeth Hardwick

IT IS annoying to be asked to discover a book which is neither old nor new. When it must be admitted that the work lacks, on the one hand, the assurance of age and, on the other, a current and pressing fame, our resistance grows and our boredom swells. We feel certain we don't want to read a book no one else is reading or has read. The work being offered to us appears cold and flat, like a dish passed around for a tardy second helping. It is gratifying to our dignity to be able to turn down the offer.

There are many roads to neglect—simple neglect itself, early and late, is far from being the only way. Very often

RE-ASSESSMENT: 1955

we find that a writer has produced a number of books which were, on publication, well and even enthusiastically received and yet somehow the years passed and the reputation, the fame, the consideration did not quite take hold. The public mind, friendly enough at first, turned out to have been but briefly attracted; the literary mind was, at the moment, fixed upon other points with the helplessness and passion we have all experienced, the realization that our delight is kept in its course by some radar of history or fashion. That there is a good deal of luck, accident, "timing" and sheer chaos in these matters hardly anyone would deny. People used to say they wanted to be either rich or poor, anything but shabby-genteel, and in the same way a state of extremity is perhaps to be sought in the arts. Attacks upon great work have very nearly the same weight as praise—*bon chat, bon rat.* It is a painful but honorable destiny to be laughed at, scorned as a madman, slandered as immoral or irresponsible or dangerous. Even refusal, being entirely ignored, has in its own way a certain cold and bony beauty.

The notion of a large or small masterpiece lying about unnoticed—a Vermeer in the hay loft—has always stirred men's hearts. To be attacked or to be ignored offer at the least certain surprising possibilities for the future; the work may be dramatically discovered or excitingly defended, reclaimed. The common and lowly fate of most books is shabby gentility. They are more or less accepted, amiably received—nearly everyone is kind about effort and genial in the face of a completed task—and then they are set aside, misplaced, quietly and firmly left out, *utterly forgotten,* as the bleak phrase has it. This is the dust.

The dust seems to have settled rather quickly upon the works of Christina Stead. Her name means nothing to most people. The title of one of her novels, *The House of All Nations*, occasionally causes an eye to shine with cordiality and it may be noted that good things have been heard about this book even if it is not possible to remember precisely what they are. Is it perhaps a three-decker affair by a Northern European once mentioned for the Nobel Prize? The title of her great novel, *The Man Who Loved Children*, doesn't sound reassuring either; the title is in fact, one could remark, not good enough for the book, suggesting as it does, a satisfaction with commonplace ironies. (But no title could give a preview of this unusual novel.)

At the present time none of Christina Stead's work is in print. Her name never appears on a critic's or journalist's choice of novelists, she is not a "well-known woman writer"; she has written about finance, about Salzburg, Washington, Australia and yet neither place nor subject seem to call her image to the critical eye. Upon inquiring about her from her last American publisher, the information came forth with a *tomba oscura* note: all they had was a *poste restante*, Lausanne, Switzerland, 1947. The facts of her biography seem to be that she is Australian, has lived all over Europe, and lived in America for some time and may still do so. She is, as they say, not in the picture, not right now at least, and therefore one cannot learn much about her past or her future. Yet when *The Man Who Loved Children* appeared in 1940, Rebecca West said on the front page of *The New York Times* that Christina Stead was "one of the few people really original we have produced since the First World War." Statements of that kind are not a rarity in the public press: the novelty of this one is that it is true. The dust, grimly, meanly collecting, has fallen upon a work of sheer astonishment and success.

The Man Who Loved Children has not been completely buried—it has a small but loyal band of friends. Yet that quaint locution is misleading, because it makes the book sound like a fine but frail old lady living in retirement and occasionally appearing for tea with the selected few. *The Man Who Loved Children* is not a small, perfect, witty book, but a large, sprawling, vigorous work marked by a novelistic, story-telling abundance, the wonderful richness of character and texture the critics are always irritably demanding. It is all this, all story and character and truth and directness and yet it has been composed in a style of remarkable uniqueness and strength, of truly radical power and authenticity. This book is a genuine novel in the traditional meaning of the term; it is a story of life, faithfully plotted, clearly told, largely peopled with real souls, genuine problems, realistically set, with its intention and drive openly and fully revealed; it is also a work of absolute originality.

There has never been anyone in American literature like the great, talkative, tearful, pompous, womanish father, Samuel Clemens Pollitt. Sam is a bureaucrat of the office and the home; he has one of those greedy and restless minds which takes in and chews up everything in sight, like a disposal unit attached to the sink. He expresses himself vividly and tirelessly; his conversation is a rich mash of slogans, baby-talk, snatches of old songs, remembered bits of information and nonsense, the natural cant his very glands secrete, expressions of utter self-loving exuberance, sensuality, windy idealism, nature lore, and public service. Pollitt works as a naturalist in Washington, D. C., employed by the government.

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Perhaps one could not seriously describe *The Man Who Loved Children* as a political novel, but in its vastly suggestive way it has something to do with Washington and with politics. It is not easy to imagine Sam Pollitt in any other situation except the one he has here. His free-wheeling, fantastic talents, his active but moderately proportioned ambitions, his dignity, his moralizing fit like a glove his government-post life, his blandly conniving and optimistic nature, his well-settled if not remarkable career. Although he has some specialized knowledge, he is roundly and exhaustively general, like an encyclopedia. His wife sees him a sort of force who has come into his career, his marriage, his self-satisfaction by the back door. He is "a mere jog-trot, subaltern bureaucrat, dragged into the service in the lowest grades without a degree, from mere practical experience in the Maryland Conservation Commission, and who owed his jealousy-creating career to her father's influence in the lobbies of the capital."

Sam Pollitt's overwhelming cantish vitality is probably not a political thing in itself, but it comes from the lush underside, the slushy, rich bottom soil of the political terrain. His every sentence is a speech to his public, his family is a sort of political party to be used, fulsomely praised, and grotesquely subjected to uplifting sermons. He is literally swollen with idealistic feelings and self-love, with democratic statement and profound self-seeking. He is as fertile of lofty sentiments as he is of children. His little ones clamor about him, blushing and laughing, like an office force, working away, pretending to be playing all the while. Here is an example of Pollitt's fatherly method of expressing himself to his brood:

> This Sunday-Funday has come a long way . . . it's been coming to us, all day yesterday, all night from the mid-Pacific, from Peking, the Himalayas, from the fishing grounds of the old Leni Lenapes and the deeps of the drowned Susquehanna, over the pond pine ragged in the peat and the lily swamps of Anacostia, by scaffolded marbles and time-bloodied weather-board, northeast, northwest, Washington Circle, Truxton Circle, Sheridan Circle to Rock Creek and the blunt shoulders of our Georgetown. And what does he find there this morning as every morning, in the midst of the slope, but Tohoga House, the little shanty of Gulliver Sam's Lilliputian Pollitry—Gulliver Sam, Mrs. Gulliver Henny, Lugubrious Louisa, whose head is bloody but unbowed, Ernest the calculator, Little Womey . . . Saul and Sam the boy-twins and Thomas-snowshoeeye, all sun-tropes that he come galloping to see.

Henny Pollitt, the sour mother of Sam's children, is a disappointed daughter of a good and prosperous Maryland family. She is always in debt, lazy, untidy, hysterical. Although created upon the familiar lines of the disappointed and disagreeable wife, Henny seems completely without antecedents of the literary sort. She is grand and terrifying and inexplicably likeable as she mutters to herself, plays patience, swills tea all day, and screams at the children. As a mother, Henny seems to experience only the most rudimentary maternal feelings; she is as verbose as her detested husband; she is sloppy, mysterious, shabby, a convincing character made up of fantastic odds and ends, leathery grins, stained fingers, squalid lies and brutal hopes. Where Sam presents his family the fruits of his endless moralizing, his flow of nonsense, proverb and hypocrisy, Henny gives them day in and day out the hatred and insult of her heart, the chagrin, anger, poverty, ugliness and rudeness of the world as she knows it. When she goes downtown she returns with tales of an adventure in a street car and "a dirty shrimp of a man with a fishy expression who purposely leaned over me and pressed my bust . . ." or outrageous descriptions of people

> to whom she would give the go-by, or the cold shoulder, or a distant bow . . . or a polite good day, or a black look, or a look black as thunder, and there were silly old roosters . . . filthy old pawers, and YMCA sick chickens . . . and all these wonderful creatures, who swarmed in the streets, stores, and restaurants of Washington, ogling, leering, pulling, pushing, stinking, overscented, screaming and boasting, turn-

The Slug

How I loved one like you when I was little!—
With his stripes of silver and his small house on his back,
Making a slow journey around the well-curb.
I longed to be like him, and was,
In my way, close cousin
To the dirt, my knees scrubbing
The gravel, my nose wetter than his.

When I slip, just slightly, in the dark,
I know it isn't a wet leaf,
But you, loose toe from the old life,
The cold slime come in to being,
A fat, five-inch appendage
Creeping slowly over the wet grass,
Eating the heart out of my garden.

And you refuse to die decently!—
Flying upward through the knives of my lawnmower
Like pieces of smoked eel or raw oyster,
And I go faster in my rage to get done with it,
Until I'm scraping and scratching at you, on the doormat,
The small dead pieces sticking under an instep;
Or, poisoned, dragging a white skein of spittle over a path,—
Beautiful, in its way, like quicksliver,—
A rain-drenched fly or spider.

You shrink to something less,
I'm sure I've been a toad, one time of another.
With bats, weasels, worms,—I rejoice in the kinship.
Even the caterpillar I can love, and the various vermin.
But as for you, most odious,—
Would Blake call you holy?

THEODORE ROETHKE

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ing pale at a black look from Henny, ducking and diving, dodging and returning, were the only creatures that Henny ever saw.

Henny's fights with her husband are epics of insult, suffering and sordid vitality. But there is no way of scoring a point on Sam because he is made of words and will not bleed. After a nightmare family collision he goes right on with his imitations of various accents, his horrible but somehow admirable begetting of children, his exploitation and yet honest enjoyment of his children, his reminiscences. No matter what has happened he sleeps comfortably, his bedside table littered with "pamphlets from the Carnegie Peace Foundation, scientific journals, and folders from humanitarian leagues."

The Man Who Loved Children is sordid and bitter. In it Henny commits suicide, one of the little boys shows his feeling about life by hanging himself in effigy, the step-daughter, Louie, is worked like a horse by the entire household, Aunt Bonnie is exploited and maltreated in the same fashion; the father's oily vanity and ghastly pawings, the mother's lies and shabby dreams: such is actual material of this novel. The grim unfolding of the drama is, nevertheless, done in such a magical, abundant, inventive manner that the reading is a pleasure from beginning to end. The dialogue is realistic and plausible and at the same time humorous, original and exciting in a way that is hardly inferior to Joyce. Sometimes the language is more nearly that of England than of America: people "post parcels," drink tea morning, noon and night, have "elevenses," etc. Still the reader does not find these English turns objectionable—they seem merely another example of the author's incredible gift for amusing and vivid and interesting language. The real triumph of the book is Pollitt. He is modern, sentimental, cruel and as sturdy as a weed. There is no possibility of destroying him. After every disaster, he shoots back up, ready with his weedy, choking sentiments. In the end he is preparing to go on the radio with his "Uncle Sam Hour" and it is inconceivable that the adventure should fail. On the other hand, it will be the tough flowering of all Pollitt's coarse reality.

The Man Who Loved Children is Christina Stead's masterpiece, but all of her work is of an unusual power. *The House of All Nations* is an excellent, interesting novel, large in scale, intelligent, and splendidly detailed. In a novel like *The Salzburg Tales* one can literally say there is talent to burn, and the talent *is* burned in it. These beautifully composed tales are told by people of all sorts and nationalities who are in Salzburg to see the annual presentation of Hofmanstael's *Everyman*. It cannot be called a complete success and yet it would have taken anyone else a lifetime to produce such a strangely gifted failure. *The Salzburg Tales* is long, stately, impressive and unreadable. Her last novels, *For Love Alone* and *Letty Fox*, are also unusual and considerable works. It would be nearly impossible to start out with this author's prodigious talent for fiction and end up without writing something of its own peculiar force and distinction.

In the vast commerce of fame and reputation certain authors are pushed to the front of the counter like so much impatient, seasonal merchandise. It is idle to complain about this and in trying to put Christina Stead's work back on the market one need not insist that she replace anyone, even though there are some highly qualified candidates for retirement. A reminder of her existence should be advertisement enough, especially in the case of such a "genuine article."

The Left in the Thirties

by Donald Cook

AMONG the many Americans who became engaged in left-wing politics during the thirties, some were primarily Communists and some were not. About this distinction Kempton groups a series of contrasting studies in the personal and political development of some representative American radicals. The Communists are seen as persons captured by a rhetoric of discontent, unified mainly by a sense of the enemy, and not to be appeased by the earthly detail of positive accomplishments. Their ultimate fate was to be left stranded by the actual social revolution of the thirties. Such people are Kempton's "ruins," ending up like J. B. Matthews as a paranoid informer on old friends and random victims, or in the angry isolation of Paul Robeson, neither contributing to nor being strengthened by the advance of the Negro in America.

Part of Our Time: some monuments and ruins of the thirties, by Murray Kempton (Simon and Schuster; $4.)

Counterpointed against these are people whose anger was more directly involved with the struggle for specified goals, goals whose eventual attainment stand as the "monuments" of these studies. Walter Reuther and his brothers, who founded the UAW only after efforts long protracted and bitterly countered, never flirted with Communism despite an enthusiastic trip to Russia, and learned their radicalism *from* their father, himself a worker. Thomas Patterson and William Randolph brought pressure upon whites only as leaders for fellow Negroes behind them, and built up the Brotherhood of Sleeping Car Porters (later Randolph also helped spark off FEPC).

There are chapters dealing with Hiss and Chambers, Gardner Jackson and Lee Pressman (this long and excellent chapter has sharp accounts of John L. Lewis, Philip Murray, and the CIO), left-wing writers, Hollywood Communists, and still others.

The book shrinks down to fair size the bogey of the "Red Decade," now being served us by fanatics of the right, many of them familiar figures attempting salvage from leftist ruins. But the book is not primarily a debunking job, for the detailed studies of the interaction of character and ideology, the subtleties of belief and reversal, recall the method of a Freud or a Veblen turned loose upon politics.

The author's own involvement with radicalism puts him in possession of a stream of memorable anecdotes of strong dramatic flavor. Like many accounts of controversies deeply felt, which yet steer the narrow path between apology and dedication, its style leans sometimes too heavily upon complex ironies whose function is to demonstrate that to understand is *not* to forgive. If we are told that politics is often an hysterical arena

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for displaced neuroses, we are not permitted to entertain the corollary that politics is unimportant. Never pretending to avoid strong judgment, the book is nonetheless not a confession offered in hope of atonement, but a report upon the features of a whole age, and a report of great worth in the political climate by which it has been succeeded.

Justice Jackson's Testament

by Abe Shayes

JUSTICE JACKSON was to have delivered last year's Godkin Lectures at Harvard, lectures on "the Essentials of Free Government and the Duties of Citizenship." He had, we are told, all but finished preparing them before his death, and they are published in this book substantially as he left them.

The Supreme Court in the American System of Government, by Robert H. Jackson (Harvard: $2).

The Justice writes with his accustomed candor, but it is a directness that is rare, perhaps unexampled, for a sitting Justice writing for publication about the Supreme Court. He passes the major constitutional issues beneath his crook, and on each he says what has become his last word. All this lends a testamentary air to the volume, which can, of course, be overemphasized.

The issues, Justice Jackson rightly conceives as political issues, questions of the allocation of power: between nation and state; between Congress and the President; between state and state; between majorities and minorities; between government and individuals.

The second lecture, titled "The Supreme Court as a Law Court" may seem to depart from this theme. But here too, although the problems have a technical professional flavor, they are essentially questions of politics and statecraft. Shall federal judges be free to disregard state law in cases which are before them only because they involve citizens of different states? Basically this is a question of whether federal or state organs shall ordain the legal relations of citizens in such matters as automobile accidents, making and carrying out contracts, and the like—the great grist of the legal mill in any country. How good is a Nevada divorce in New York? This asks what effect is to be given to the judicial (or legislative) determinations of a state beyond its borders. How final is the Labor Board's decision that an unfair practice has been committed, or an order of the Interstate Commerce Commission establishing railroad rates? On what grounds may such decisions be attacked? Here are questions no different in kind from those involved in determining the constitutional validity of Presidential or Congressional acts.

Justice Jackson sees no reason to depart from an earlier conclusion that the American penchant for dressing up political issues as legal ones "has made a valuable and enduring contribution to the science of government under law." But he is perhaps most incisive in dealing with the burdens which we accept along with the benefits of this arrangement.

It is not only the law's delays, nor that courts must approach sporadically and with microscopic intensity situations that are ongoing and extensive. It is not merely that judicial results depend more often than we like to think upon the competence of the lawyer who makes the case (to say nothing of the qualifications of the judge who decides it). Judicial power, for all its panoply, is a fragile thing:

> It is not idle speculation to inquire which comes first, either in time or importance, an independent and enlightened judiciary or a free and tolerant society. . . . While each is undoubtedly a support for the other, and the two are frequently found together, it is my belief that the attiude of a society and its organized political forces, rather than its legal machinery, is the controlling force in the character of free institutions.

And with a deeper insistence he puts the question whether in America "the political conscience is relieved because the responsibility here is made a legal one."

If all this seems a negative attitude toward one of the three great independent branches of government, Justice Jackson reminds us that the Court has done great harm to itself and strained the constitutional system in times when it forgot the limits of judicial power. The Constitution became for some "a covenant with Hell" after *Dred Scott*, and a "horse and buggy" document for others after the decisions striking down New Deal legislation.

In the end, of course, Justice Jackson's view is not so negative as all this. "In a society in which rapid change tends to upset all equilibrium, the Court, without exceeding its own limited powers, must strive to maintain the great system of balances upon which our free government is based." The balance is, of course, a moving balance. Allocations of power are not to be taken as fixed, good for all times and troubles. And the Court, the balancer, is itself also in the balance. Its proper role has shifted in the past and may be expected to shift again.

In the end, Justice Jackson affirms a lawyer's faith that the role will be nobly fulfilled. Our judiciary, he concludes, "is certainly a most effective instrument for applying law and justice to individual cases and for cultivating public attitudes which rely on law and seek justice." And "Liberty," he tells us, "is not the mere absence of restraint, it is not a spontaneous product of majority rule, it is not achieved merely by lifting underprivileged classes to power, nor is it a by-produce of technological expansion. It is achieved only by a rule of law."

Notes on Contributors

ELIZABETH HARDWICK has recently published her second novel, *The Simple Truth*. She is the wife of poet Robert Lowell. THEODORE ROETHKE received the Pulitzer Prize for his book, *The Lost Son*. DONALD COOK is on the psychology faculty of Barnard College. With this review, ABE SHAYES joins the staff of the *New Republic* as commentator on constitutional questions and decisions of the Courts. Legal advisor to Governor Chester Bowles (1949-50), Mr. Shayes has been Associate General Counsel of the President's Materials Policy Commission, a practicing attorney in the firm of Covington and Burling, and is now Assistant Professor of Law at Harvard Law School. HARRY MACARTHUR is on the staff of *The Washington Star*.

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TELEVISION

ON THE EVE of the Big Four conference in Geneva, television came through with one of its welcome if not too frequent demonstrations that it can rise to an occasion. It may not always rise as high as some of its critics would wish or as high as the occasion demands, but it has its moments when it copes with life rather than fantasy. Television had two of these moments on the Sunday evening before the talks at Geneva started. One was provided by the Columbia Broadcasting System's "Report on Geneva," the other by the National Broadcasting Company's "The Meeting at the Summit."

The latter program, of course, got through only to those who felt that these high-level conversations might conceivably have more bearing on their lives than the opening of an amusement park (and who could convince their young that this was possible). Its principal competition for audience attention was a 90-minute American Broadcasting Company telecast of the festivity and ceremony attendant upon the dedication of Walt Disney's multi-million dollar Disneyland at Anaheim, Calif. Those who did seek red meat while the popcorn and cotton candy were being passed out elsewhere undoubtedly found the NBC television briefing rewarding.

It gave us personal glimpses of the men who would be talking at the summit—Eisenhower, Eden, Faure and Bulganin—providing the intimate sort of insight at which television has no superior. It went back to 1945 to trace the decade of "peace," through cold war, luke-warm war and hot war, through the atom bomb, the hydrogen bomb, the cobalt bomb, to this moment when war is no longer feasible as the extension of diplomacy. With motion pictures and live television pickups it brought us a number of authoritative opinions on why the conference was taking place now and what might come of it.

The NBC document on Geneva was not without its faults, however. For one thing, it was marked by the pretentiousness which often overcomes broadcasters when they are dealing with something of admitted historical import. They have a tendency to succumb, on these occasions, to the this-thing-is-bigger-than-both-of-us approach. The writers, awed by the particular contact with history, resorted to that form of pseudo-dramatic understatement of which "Dragnet," the program on which the man just wants the facts, ma'am, is the most notable fictional exponent.

"This is a television program," said Newscaster David Brinkley at the outset. "These," he said, indicating the TV screens behind him, "are monitors. They are some of the tools of television. . . . This is a news program," he added as he warmed to his work. "It is about the four men who will meet tomorrow in Geneva. These are the four men." This sort of thing can and did get terribly trying. It suggested the digressive thought that we might well re-examine the primers; instead of teaching the young to read, they may be driving them in boredom to flight from words.

The NBC program on Geneva suffered in one other aspect which hardly could have been foreseen by its producers. It followed closely on the heels of the CBS "Report on Geneva," telecast an hour earlier. This covered much the same background as NBC covered, but in 30 minutes instead of an hour. With only half the time at its disposal, the CBS documentary was a leaner one than NBC's. It stuck to the point and was a clear and cogent discussion of what had brought us finally to Geneva. It was a tightly-knit narrative, which omitted few essentials and did not becloud any issues with over-elaboration.

"Report on Geneva" also seemed to have a shade more healthy suspicion than the NBC report, a quality not to be underrated, even while laying cards on the table. "The Russians don't want war any more than we do," said an NBC commentator at one point, a fairly broad statement considering how many Russians there are. CBS, on the other hand, while noting changes in the Russian tactics, pointed to some things that are unchanged by producing some recent motion pictures made at an athletic rally in Czechoslovakia. These must have brought to many a living room a chilling recall of some of the old views of the Nazis' mass hysteria.

These two programs, all things considered, were fine as far as they went, but they did represent, so far as one viewer could determine at least, the total of the network attempts on that pre-conference Sunday to put Geneva in focus. The meetings did come up, of course, on other news and discussion programs. Senator Bridges (R., N.H.) and Senator Sparkman (D., Ala.) debated the conference, for instance, on NBC's "American Forum," though that is loosely using the word debate. What they did was sit around in rosy agreement that it was a good thing we were having this conference and that we should not expect too much of it. They achieved the drama of conflict only when someone mentioned the Dixon-Yates matter, and that hardly seemed likely at all to come up at Geneva.

It probably is "typically American" that two television networks could devote as much time between them to what one announcer called this "fateful moment in the world's history" as a third network devoted to the dedication of an amusement park. Only a curmudgeonly critic would raise a verbal eyebrow. After all, may not Walt Disney turn out in the end to have done more for the harmony of man than all conversations at all summits? HARRY MACARTHUR

Next Week

The Seven Year Itch

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CORRESPONDENCE

► Illusion and Reality

SIRS:

Dr. Reinhold Niebuhr ("Liberalism: Illusions and Realities," *NR*, July 4) urges liberals to discard the French Enlightenment's illusory confidence in man's perfectibility and in historical progress. For these ideas prevented serious attention to "the factors of interest and power" and promoted indifference to "organically established loyalties and rights." They are at the center of a liberalism that is "academic" and "abstract" rather than "realistic."

It is of some interest to recall that one classical liberal, John Stuart Mill, in his essay on Coleridge, wrote about the French Enlightenment in very much the same terms. It is a time-honored practice, it seems, sadly to comment on the "unrealism" of the preceding generations, those worthy but deluded parents and grandparents whose survival in the world can only be laid to prodigious luck. But we wiser ones may, if we shed their illusions, attain a greater security.

No one will deny that we should "shed the illusions" of our grandparents, and of their grandparents. But do we shed any illusion when we dwell on their "simple-mindedness"? Do we shed any illusion when we decide to be "realistic" about guarantees of intellectual and spiritual freedom in the Constitution? When we temper the First Amendment with vaguely phrased demands of security? When we accept the employment of "faceless informers" to achieve "realism" in security proceedings? When we continue to seek, as Kant and Rousseau did, for the most adequate statement of the imprescriptible rights of man, and of the conditions for a just and lasting peace?

The fact is that Dr. Niebuhr, whom this writer deeply admires both for his conclusions and (as a rule) the way he reaches them, seems here to "deny" history and organic social realities himself. The Enlightenment, with all its errors and incompleteness, is a fact in our history, *the* fact of major importance in the formulation of our social and moral principles. Of course its statement of such principles cannot in any simple sense be accepted as ours. But a truly historical liberalism can not content itself simply with rejecting its major thinkers as "rather fine but so unworldly." Rather it must try, starting with their vision, to see further and more clearly. . . . If we cannot today regard human perfection and progress as metaphysically necessary, we do nevertheless, as the Enlightenment thinkers insisted, regard them as continuing moral duties. To understand such principles in terms of the men and societies of our time is to achieve genuine historical continuity.

DONALD MEIKLEJOHN
Associate Professor of Philosophy
University of Chicago

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SIRS:

If the two world wars, Korea and the depression of the thirties did not destroy liberalism as an inclusive philosophy of life, then neither will the current attacks from both Right and Left do much more than to stimulate liberalism in what is considered to be an important role in Western culture. True, the optimism of nineteenth-century liberals, implicit in the phrase: "the progress of man upward and onward forever," has long since been abandoned as naïve. But, it will be noted that "progress" was never assumed to be "perfectibility," since the liberal never subscribed to the totalitarian concept of perfection. He did, however, bet his life—as he still does—on the ability of man to progress, and he can marshal an impressive array of historical events to substantiate his belief in this dictum.

It may well be true that liberalism is an illusion; this remains to be seen, but if so then it has a multitude of bedfellows in those members of systems which posit the spurious thesis that man is a worm and has little, if any, control over his life and his future. The liberal position is based on a type of optimism that has been badly shaken by the historical events of this century, but it still operates within a realistic pattern of reliance upon the research method, which produces that body of knowledge we call science, and it recognizes both the legitimacy and the desirability of variety, full in the face of the fact that too often the changes are not those which the liberal would necessarily advocate or approve.

While it is true that change does not imply progress, at the same time progress is usually the result of change. Antiquity neither affirms nor rejects the validity of values, it is not a valid method of appraisal. As a fact, Western man operates on a value system which is consistently outmoded and passé. We reject new values when they are relevant and when we finally come around to accepting and utilizing them, they are, more often than not, irrelevant to the times when they are adopted. This does not indicate that we should not continually strive in the creation of new values and methods, but it is indicative of the lag in our process of education.

If liberalism has borrowed from the Enlightenment a more dignified concept of the nature of man and from science a fresh concept of the universe and then related them in an ethical and realistic (perhaps idealistic) manner, then it is not in relation to the historical events of the past four decades alone that this reconstruction must be compared. Nor are value judgments to be made within this historical term, if we are to be honest, for we must give honest appraisal to the sweep of history as we attempt to disclaim the liberal presuppositions in the light of recent social and ethical failures. Could it not be at least whispered that if orthodox Christianity had performed even a half-way decent job during the past centuries Western man would not today find himself bottled up in a socio-political and religious—as well as economic—dichotomy that finds him at the end of his frustration tolerance? To brand the liberal concept of the nature of man and the universe an illusion is to demand a more realistic concept of them, which, thus far, has not been forthcoming.

The liberal would be willing to reconsider his position seriously and to embrace a more realistic concept if such can be found. But he will not depart the scientific and democratic disciplines to embrace an intuitive concept which is arrived at within the cult of supernaturalism and authority, for the basic reason that he believes the fact of naturalism and affirms democracy. Even then, he will critically examine new assertions in the light of this best prevailing methodology of the times and if verified facts

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are presented he will tend to accept them for a trial run.

Since the liberal finds no authentication for absolutes values, he proceeds along a road of relativism and is more dedicated to methods than to ends. . . .

Security and certainty are not to be found in the liberal's vocabulary for the simple and adequate reason that he denies the existence of both. For that reason, the liberal looks upon all systems of regimentation aimed at the achievement of these spurious goals with a feeling of pathos and genuine alarm. These pseudo values are the stock in trade of those whose dedication is to non-democratic forms of socio-political organization, and these people would destroy democracy in its very name. The impact of this type of thinking has been great upon America during the past decade and many who love democracy and its ideals have been fellow travellers with those who conduct the campaign against science and the forces of education and freedom, in the fallacious assumption that freedom can be qualified.

Like democracy, liberalism may be an illusion; both may be too noble for human consumption. But, as long as there are men who value freedom, equality, dignity and knowledge, there will be liberals and they will, let us fervently hope, be living in a democratic state. The religion that the world needs is not the new-found religion of big business and the current administration, nor is it the call to retreat into the past. The religion that the world needs, and may one good day develop, will be a universal and inclusive system, without authoritarian dogma and creed, which will recognize the dignity and worth of the individual, will affirm the legitimacy and desirability of variety, will be dedicated to the democratic ethic in both church and state, will not be nationalistic, racial or wedded to any particular economic theory, will recognize the importance of ethics as a central core to life, will be receptive to the findings of science and education—will be naturalistic, realistic and idealistic, will promise no reward other than the satisfaction of living a good life here and now—in short, will be liberal religion.

J. RAY SHUTE

Monroe, N. C.

[Mr. Shute is president of the Southern Unitarian Council.]

► Correction

SIRS:

In my article "From Bigger to Bigger" (*NR*, July 4,) there is a typographical error which I should like to correct. The 100 (not "the ten") largest banks now hold 46 percent of the nation's bank deposits.

WALTER ADAMS

Long Beach, N. Y.

► The Interests of Consumers

SIRS:

The article by Walter Goodman on the current campaign in connection with natural gas legislation (*NR*, June 13) struck me as a useful history of this legislation, and one which should serve to increase the public understanding of the economic issue at stake here.

Mr. Goodman's article refers to the Mayors who are opposing the current bills in Congress designed to terminate effective regulation of the field price of natural gas. You have undoubtedly heard that there was an attempt to counter this activity with a demonstration that many American Mayors were in favor of such legislation; and you might be interested in the current status of this situation.

As of the present time the Committee opposing this legislation consists of the Mayors of 258 cities in 21 states—comprising a total population of 31.6 million. The municipalities in this membership run all the way from the nation's largest cities (and this list includes eight out of the first ten—ranked by population) to small towns well distributed throughout the United States.

In contrast with the size and general characteristics of the Mayor's Committee as indicated above, it is interesting to note that the list of Mayors represented as favoring the legislation terminating federal regulation involves only 123 communities (the vast majority of these being located in oil producing areas) with a combined population of only 3.6 million.

The members of the Mayor's Committee, feeling very strongly the importance of protecting the interests of natural gas consumers in their respective communities, are hopeful that the overwhelming evidence of opposition to the proposed legislation (as indicated above) will be effective in preventing rash congressional action—action which, we are convinced, would be to the disadvantage of the vast majority of Americans.

JOSEPH S. CLARK, JR.
Mayor

Philadelphia, Penn.

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Elect WILL F. NICHOLSON your Mayor

This ad paid for by a committee of civic minded golfers of Denver.—*The Rocky Mountain News*, June 20, 1955.

[Mr. Nicholson was elected.—Ed.]

THE Internal Revenue Service will start closing 29 offices in Minnesota communities this week, Sen. Thye (R, Minn.) said today.

Thye said the Internal Revenue Service had given him a "definite assurance" there will be "no lessening of service to taxpayers" because of the closings, which resulted from a personnel survey by the service.—*The Minneapolis Star*, June 29, 1955.

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